

INSTRUMENT OF DELEGATION

INSTRUMENT OF DELEGATION UNDER THE  
OMBUDSMAN ACT 1972

29 NOVEMBER 2023

## Delegation Sources

- Ombudsman Act 1972

### Positions

Abbreviation	Position	Name
CEO	Chief Executive Officer	Kelly Westell
MF	Manager Finance	David Rattley
Not Sub Delegated	Not Sub-Delegated	

## Instrument of Delegation under the Ombudsman Act 1972

Ombudsman Act 1972				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 12D(1)	Comply with directions and guidelines prepared by Ombudsman governing reporting or misconduct or maladministration in public administration	CEO, MF		public authority
section 12D(3)	Report to the Ombudsman any matter the council reasonably suspects involves misconduct or maladministration in public administration	CEO, MF		public authority
section 12H(1)(b)	Act on a referral from the Ombudsman	CEO, MF		public authority
section 12H(2)(a)	Produce a specified document or a document relating to a specified matter	CEO, MF		public authority
section 12H(2)(b)	Produce a written statement of information about a specified matter or answer specified questions within a specified period and in a specified form and, if the written notice so requires, verify the statement by statutory declaration	CEO, MF		public authority

**Ombudsman Act 1972**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>	<b>Capacity of Council</b>
section 18(4)	To comment on the subject matter of a report	CEO, MF		public authority
section 19A(1)	Comply with a notice of the Ombudsman	CEO, Not Sub Delegated		agency
section 19A(5)	Advise the Ombudsman that the council's failure to comply with a notice is reasonable and justifiable	CEO, Not Sub Delegated		agency
section 25(2)	Act in accordance with a recommendation of the Ombudsman	CEO, MF		public authority
section 28	Apply to the Supreme Court for a determination regarding the Ombudsman's jurisdiction	CEO, Not Sub Delegated		agency
section 28A(1)	Comply with directions of the Ombudsman	CEO, MF		public authority

**Ombudsman Act 1972**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>	<b>Capacity of Council</b>
section 28A(2)	Comply with varied or further directions of the Ombudsman	CEO, MF		public authority
section 28A(3)	Provide comments to the Ombudsman	CEO, MF		public authority
section 29(8)	Act on a referral of the inspector	CEO, MF		public authority
section 31(1)(b)	Receive and use evidence or information for the purposes of any criminal investigation or proceedings, proceedings for the imposition of a penalty or disciplinary investigation or action	CEO, MF		Agency/ prosecution authority